

their reinforcement fibers for the formation of carpets at all, and certainly not Saxony carpets. Prior art references used in obviousness determinations must be either in the field of the inventor's endeavor or reasonably pertinent to the problem that the invention solves. Applicants submit that the Examiner is looking beyond the teachings of the reference.

The presently claimed invention relates to a Saxony carpet untwisted wrapped singles yarn. More particularly, the invention pertains to a Saxony carpet untwisted wrapped singles yarn comprising: a) a core strand comprising a member selected from the group consisting of a sliver and a bulked continuous filament yarn; and b) a wrapper yarn comprising a member selected from the group consisting of a spun staple yarn and a continuous filament yarn; wherein said wrapper yarn comprises at least one base synthetic fiber material selected from the group consisting of polyester, polyolefin, polyamide, and a heat activated binder fiber having a melting point at least 20°C lower than the base synthetic fiber. The invention also pertains to Saxony carpets which are formed using untwisted wrapped singles yarns.

Groshens teaches non-slip reinforcement threads for fabric coverings or textiles to be incorporated into a textile base, the reinforcement thread comprising a core thread, first cladding fibers adhesively attached to the core thread, and optionally second cladding fibers lodged in rough areas formed by the first cladding fibers. Groshens core thread may be a monofilament or a multifilament, as illustrated in Fig. 6A. However, they do not teach or suggest that their core thread may be a sliver, which is a continuous strand of loosely assembled fibers without twist, or a bulked continuous filament yarn, which is a texturized or crimped continuous filament yarn that forms tufts in a carpet. Further, the reference fails to teach or suggest a wrapper yarn that is either a spun staple yarn or a continuous filament yarn, which wrapper yarn comprises at least one base synthetic fiber material and a heat activated binder fiber having a melting point at least 20°C lower than the base synthetic fiber. Groshens does teach the use of an adhesive substance for attaching the first cladding fibers to the core thread. However, this is not the same as a

wrapper yarn comprises at least one base synthetic fiber material and a heat activated binder fiber, particularly where the binder fiber has a melting point at least 20°C lower than the base synthetic fiber.

The Examiner states that Groshens et al. essentially teaches the invention as described, but fails to specifically teach a 20° lower melting point. However, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness over Groshens et al. In establishing a *prima facie* case of obviousness under 35 U.S.C. 103, it is incumbent upon the Examiner to provide a reason why one having ordinary skill in the art would have been led to arrive at the claimed invention upon reading the reference. The requisite motivation must stem from some teaching, suggestion or interest in the prior art as a whole or from knowledge generally available to one having ordinary skill in the art. See Uniroyal, Inc. v. Rudkin Riley, Corp., 837 F. 2d 1044, 5 USPQ 2d 1434 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resin And Refractories, Inc., 776 F. 2d 281, 227 USPQ 657 (Fed. Cir. 1985). Both the core thread and the cladding fibers of the applied reference are different than the core strand and wrapper yarn of the invention, respectively.

Furthermore, a thorough search of the Groshens et al. disclosure fails to reveal any mention of Saxony carpets at all. A word search of Groshens, et al fails to find the word "carpet" and fails to find the word "Saxony". It is not clear how it would be obvious to form Saxony carpet singles yarns or Saxony carpets based on the disclosure of U.S. patent 5,414,984.

Indeed, the Examiner already acknowledges that non-Saxony untwisted singles yarns are patentably distinct from the Saxony carpet untwisted wrapped singles yarns claimed herein because they are mutually exclusive species in an intermediate-final product relationship. Moreover, the Examiner has already acknowledged that yarns which are deemed to be useful as reinforcement yarns in composite materials or to make loop pile carpets, or other style carpets instead of Saxony carpets are deemed patentably distinct

since there is nothing on this record to show them to be obvious variants (see restriction requirement dated September 27, 2002; see Applicant response dated June 5, 2006, and Examiner's present indication that said arguments are persuasive). Reinforcement yarns is precisely what Groshens et al. teaches, and this is patentably distinct from the claimed invention.

The Examiner also argues that it would have been obvious for one skilled in the art to utilize a 20° temperature difference between a base fiber and a binder fiber because if the two fibers were bonded together with heat it would produce a "very course[sic] single rod structure which is useless for further production", and that the ordinary skilled artisan would obviously understood the temperature difference to use. However, Groshens indeed teaches strong reinforcement threads where the first cladding fibers 3 are bonded and firmly fixed to the core thread by use of an adhesive or other polymeric adherence substance (see col. 3, lines 7-13; col. 3, line 61 – col. 4, line 11). According to the reference, the core threads 2 have "great rigidity" and threads 1 may advantageously replace lapped horsehair threads (see col. 4, lines 58-67). These reinforcement threads alone are not acceptable for the formation of carpets and are only for the reinforcement of fabrics and textiles. In view of this disclosure, the Examiner has not shown how the applied prior art is such that it would have provided one of ordinary skill in the art with both a motivation to carry out the claimed invention and a reasonable expectation of success in doing so. See In re Vaack, 947 F.2d 488, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); In re O'Farrell, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988).

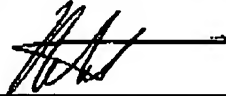
It is respectfully submitted that the claimed invention is not obvious in view of the teachings of U.S. patent 5,414,984. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." In re Geiger, 2 U.S.P.Q.2d 1276, 1278 (CAFC 1987). There is simply nothing in the cited reference to suggest to someone skilled in the art that these teachings can achieve the claimed result. It is submitted that the Examiner is reconstructing the art in light of Applicant's disclosure.

For all the above reasons, claims 27, 28 and 30-47 are urged to be patentable over U.S. patent 5,414,984. Accordingly, it is respectfully submitted that the double patenting rejection is improper and should be withdrawn. Such action is respectfully requested.

The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the Examiner believes there

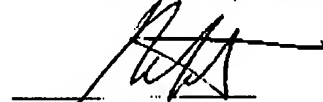
is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office (FAX No. (571) 273-8300) on November 15, 2006.



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